

MAY 07 2007

PATENT APPLN. NO. 10/606,374
RESPONSE UNDER 37 C.F.R. § 1.116PATENT
FINALREMARKS

In the present Action, the Office maintains its position that an amendment to the specification to identify the foreign priority applications is requirement for a proper priority claim. The Office states: "A reference to the prior application must be *inserted as the first sentence(s) of the specification of this application* or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c)" (page 3, lines 5 -8 of the Action; emphasis in original).

As noted in the previous response, applicants are not claiming the benefit of a filing date of an earlier filed application under 35 U.S.C. 119(e), 120, 121, or 365(c). Applicants are claiming priority of foreign applications under 35 U.S.C. 119(a)-(d). A reference to the prior application inserted as the first sentence of the specification is not a requirement for claiming priority under 35 U.S.C. 119(a)-(d) (see MPEP §201.14).

However, even though the requirement of the Office is believed to be improper, the application has been amended to identify information relating to the Japanese priority applications as the first sentence of the specification. Applicants respectfully request that the Office indicate that the applicants have complied

with the requirements of 35 U.S.C. § 119 and that the Office kindly acknowledge receipt of the certified copies of the priority documents in any subsequent Office Action Summary (Item 12 of form PTOL-326) or Notice of Allowability (Item 3 of form PTOL-37).

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 2 has been amended to insert "the tip" after --said second closed position-- as kindly suggested by the Office.

Removal of the 35 U.S.C. 112, second paragraph, rejection is believed to be in order and is respectfully requested.

Non-elected claims 1, 3 and 26-36 have been canceled without prejudice to applicants' rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application. Claims 7, 8, 10-12, 16, 18-20 and 23, withdrawn from the application as being directed to a non-elected species, have been retained. Rejoinder of these claims is respectfully requested. Claims 7, 8, 10-12, 16, 18-20 and 23 depend directly or indirectly on and further limit allowed claims 4 and 5. Additionally, withdrawn claims 12, 19, 20 and 23 and allowed claim 4 read on the species of Fig. 5.

The foregoing is believed to be a complete and proper response to the Office Action dated February 5, 2007, and is believed to place this application in condition for allowance. If, however,

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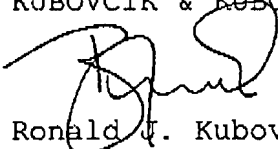
minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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